

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN, State Bar No. 193338
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5341
6 Facsimile: (916) 327-8643.

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **GREGORY THOMAS SHEPPARD**
2675 Brickell Square
14 Atlanta, Georgia 30341

15 Registered Nurse License No. 703076

16 Respondent.

Case No.

2010-445

A C C U S A T I O N

17
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Interim
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about May 3, 2007, the Board issued Registered Nurse License
24 Number 703076, to Gregory Thomas Sheppard ("Respondent"). The license was in full force
25 and effect at all times relevant to the charges brought herein and expired on February 28, 2009.

26 ///

27 ///

28 ///

[illegible][illegible][illegible]

0

1.1
2.2
3.3

14

15
16
17

18
19
20
21
22

23
24
25

2.

2

2

1 patient record. In addition, Respondent withdrew the medication fifty-two (52) minutes before
2 administering it to the patient.

3 b. On or about May 10, 2007, at 1517 hours, Respondent signed out two (2) 100
4 mcg. vials of Fentanyl. At 1645 hours, Respondent charted the administration of 50 mcg. of
5 Fentanyl, but failed to account for the disposition of the remaining 150 mcg. of Fentanyl in any
6 hospital or patient record. In addition, Respondent withdrew the medication thirty-two (32)
7 minutes before administering it to the patient.

8 c. On or about May 10, 2007, at 1652 hours, Respondent signed out 100 mcg. of
9 Fentanyl. At 1655 hours, Respondent charted the administration of 50 mcg. of Fentanyl, but
10 failed to account for the disposition of the remaining 50 mcg. of Fentanyl in any hospital or
11 patient record.

12 **Patient #2:**

13 d. On or about May 14, 2007, at 1009 hours, Respondent signed out two (2)
14 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition
15 of the Fentanyl in any hospital or patient record.

16 e. On or about May 14, 2007, at 1709 hours, Respondent signed out two (2)
17 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition
18 of the Fentanyl in any hospital or patient record.

19 f. On or about May 14, 2007, at 2222 hours, Respondent signed out two (2)
20 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition
21 of the Fentanyl in any hospital or patient record.

22 **Patient #3:**

23 g. On or about May 14, 2007, at 0853 hours, Respondent signed out two (2)
24 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition
25 of the Fentanyl in any hospital or patient record.

26 h. On or about May 14, 2007, at 1135 hours, Respondent signed out two (2)
27 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition
28 of the Fentanyl in any hospital or patient record.

1 i. On or about May 14, 2007, at 1708 hours, Respondent signed out two (2)
2 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition
3 of the Fentanyl in any hospital or patient record.

4 **Patient #4:**

5 j. On or about May 18, 2007, at 1423 hours, Respondent signed out two (2)
6 100 mcg. vials of Fentanyl, but failed to account for the disposition of the Fentanyl in any
7 hospital or patient record.

8 k. On or about May 18, 2007, at 1841 hours, Respondent signed out two (2)
9 100 mcg. vials of Fentanyl, but failed to account for the disposition of the Fentanyl in any
10 hospital or patient record. Moreover, Respondent had clocked out of work at 1700 hours.

11 **Patient #5:**

12 l. On or about May 18, 2007, at 1151 hours, Respondent signed out two (2)
13 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition
14 of the Fentanyl in any hospital or patient record.

15 m. On or about May 18, 2007, at 1850 hours, Respondent signed out two (2)
16 100 mcg. vials of Fentanyl without a physician's order, and failed to account for the disposition
17 of the Fentanyl in any hospital or patient record.

18 **Patient #6:**

19 n. On or about April 30, 2007, at 1104 hours, Respondent signed out four (4)
20 100 mcg. vials of Fentanyl, but failed to account for the disposition of the Fentanyl in any
21 hospital or patient record.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Obtained, Possessed, and Self-Administered Controlled Substances)**

24 13. Respondent is subject to discipline under Code section 2761(a), on the grounds of
25 unprofessional conduct as defined in Code section 2762(a), in that between April 30, 2007, and
26 May 18, 2007, while a registered nurse at Saint Agnes Medical Center, Fresno, California,
27 Respondent did the following:

28 ///

1 a. Respondent obtained Fentanyl, a controlled substance, by fraud, deceit,
2 misrepresentation or subterfuge or by the concealment of a material fact in violation of Health
3 and Safety Code section 11173(a), by signing out Fentanyl for various patients and taking it for
4 his own personal use.

5 b. Respondent possessed Fentanyl, a controlled substance, in violation of Code section
6 4060, in that he did not have a prescription for that controlled substance.

7 c. Respondent self-administered Fentanyl, a controlled substance, without direction to do
8 so from a licensed physician and surgeon, dentist or podiatrist.

9 **EBONY UNIVERSITY HOSPITAL**

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Possessed and Self-Administered Controlled Substances)**

12 14. Respondent is subject to discipline under Code section 2761(a), on the grounds of
13 unprofessional conduct as defined in Code section 2762(a), in that in or about 2006, while a
14 registered nurse at Ebony University Hospital, located in Georgia, Respondent did the following:

15 a. Respondent possessed Vicodin, Versed, and Demerol, all controlled substances, in
16 violation of Code section 4060, in that he did not have a prescription for those controlled
17 substances.

18 b. Respondent self-administered Vicodin, Versed, and Demerol, all controlled
19 substances, without direction to do so from a licensed physician and surgeon, dentist or
20 podiatrist.

21 **PRAYER**

22 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License Number 703076, issued to
25 Gregory Thomas Sheppard;

26 ///

27 ///

28 ///

1 2. Ordering Gregory Thomas Sheppard to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
3 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: 3/18/10

6
7 *Louise R. Bailey*
8 LOUISE R. BAILEY, M.Ed., RN
9 Interim Executive Officer
10 Board of Registered Nursing
11 Department of Consumer Affairs
12 State of California
13 Complainant

12 SA2009102347
13 Accusation (kdg) 2/4/2010